

altars. Regulus, when carried captive to Carthage and then offered his liberty if he would prevail upon the Roman Senate to sign a dishonorable peace, took a last look at his loved ones, denounced the treaty, and preferred an ignominious death to the

DISHONOR OF HIS COUNTRY.

The precincts of sacred history are consecrated ground, and I cannot without irreverence draw a line parallel to its pathways, but it belongs to Houston to blaze the first pathway in history where a disowned patriot lays down the honors of a lifetime for the peace of his State—the first pathway from a throne to a cottage along which man made of flesh and blood walked from the throne he had made, and made great; disowned, insulted and exiled without staining his hand in blood or raising his voice in anathemas, and when arrived at that cottage turned on that throne benedictions and blessings. That pathway, Mr. Speaker, will, to generations yet unborn, when patriotic endeavor seeks to excite patriotic action, stand above the world like the milky way in the skies, bright, shining and studded with stars, and the man who walked that way will be pointed to down the lane of centuries yet unborn, uncrowned and single, above the fogs and passions of the world and drinks his inspiration from the gods. And now, Mr. Speaker, let us show to the world that a nation's gratitude outlasts the passions of an hour, survives revolutions and conflagrations, and by anthem and by eulogy, with uncovered heads, restore his portrait to its former station, and, like the sunflower, "turn on our god when he sets the same look which we turned when he rose."

SIXTY-THIRD DAY.

SENATE CHAMBER.
AUSTIN, March 27, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burney,

The reading of the Journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 365, being "An act to be entitled an act to authorize county attorneys to appoint assistant county attorneys in each county, define their duties and qualifications, and provide for their compensation,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared

Substitute Senate bill No. 284, being "An act to amend title 86, chapter 1, of the Revised Statutes of Texas, by adding thereto article 4304a,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 387, entitled "An act to amend title 15, chapter 3 of the Code of Criminal Procedure by adding article 1077a thereto,"

Which provides that the sheriff or other officer summoning or attaching witnesses to attend upon any inquest shall be paid by the county the sum of fifty cents for each subpoena or attachment served by him,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Substitute House bill No. 37, entitled "An act to amend an act entitled an act to amend article 797, chapter 17, title 17, of the Penal Code of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 368, entitled "An act to amend title 7, chapter 2 of the Code of Criminal Procedure by adding thereto article 416,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Agriculture, to whom was referred

House bill No. 520, entitled "An act to give the assent of the State of Texas to the purpose of a grant of money authorized and appropriated by an act of the Congress of the United States, approved March 2, A. D. 1887, and entitled an act to establish agricultural experiment stations in connection with the college established in the several States under the provisions of an act approved July 2, A. D. 1862, and of the acts supplementary thereto."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON.
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Kimbrough:

A bill to be entitled "An act to provide for the repeal of the charter of East Dallas, and the annexation of the territory thereof to the city of Dallas."

Referred to Committee on State Affairs.

On motion of Senator Frank, Senate bill No. 38, a bill to be entitled "An act to amend articles 4756 and 4758, title 95, chapter 4, Revised Civil Statutes of the State of Texas, and to add thereto article 4756a, so as to provide a lien in favor of purchasers at tax sales; when such are invalid by reason of informalities in assessment rolls,"

Was laid before the Senate as unfinished business.

Senator Lane withdrew his motion to substitute for the bill

Substitute House bill No. 188, a bill to be entitled "An act amending title 95, chapter 4, Revised Civil Statutes of the State of Texas."

The bill, as amended, was ordered engrossed

By the following vote:

YEAS—17.

Abercrombie,	Glasscock,
Allen,	Lane,
Atlee,	Maetze,
Burges,	Sims,
Burney,	Stephens,
Claiborne,	Townsend,
Davis,	Tyler,
Field,	Woodward.
Frank,	

NAYS—11.

Armistead,	Kimbrough,
Cranford,	McDonald,
Finley,	Seale,
Harrison,	Simkins,
Ingram,	Upshaw.
Johnson,	

ABSENT—1.

Pope.

On motion of Senator Frank,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—27.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Seale,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Frank,	Tyler,
Finley,	Upshaw,
Glasscock,	Woodward,
Harrison,	

NAYS—1.

Johnson.

ABSENT—1.

Pope.

The bill was read the third time.

Senator Harrison moved to

Amend article 4756a by striking out all after the word "thereto" in line 33.

Senator Frank spoke in opposition to the amendment, and

Senator Harrison spoke in favor of it.

Senator Finley offered the following substitute for Senator Harrison's amendment:

Amend by adding the following: "Provided the lien herein given shall not exist, nor the owner be liable where he has paid his taxes on said land, though the same was not rendered in the name of the original grantee."

Senator Burges moved to

Amend by striking out in line 51 in article 4758 the word "fifty" and insert instead thereof "thirty."

Senator Lane moved the previous question on the bill and amendments. Seconded.

The main question was ordered.

Senator Finley's substitute for Senator Harrison's amendment was adopted.

The substitute was adopted as a part of the bill by the following vote:

YEAS—24.

Abercrombie,	Kimbrough,
Allen,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw,
Johnson,	Woodward,

NAYS—4.

Armistead,	Harrison,
Burney,	Pope.

ABSENT—1.

Davis.

Senator Burges' amendment was adopted by the following vote.

YEAS—23.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Pope,
Claiborne,	Simkins,
Davis,	Sims,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward,
Ingram,	

NAYS—6.

Burney,	Lane,
Cranford,	Seale,
Finley,	Townsend.

The bill as amended passed by the following vote:

YEAS—16.

Abercrombie,	Glasscock,
Allen,	Harrison,
Burges,	Maetze,
Burney,	Sims,
Claiborne,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Woodward,

NAYS—13.

Armistead,	Lane,
Atlee,	McDonald,
Cranford,	Pope,
Davis,	Seale,
Ingram,	Simkins,
Johnson,	Upshaw.
Kimbrough,	

By leave,
Senator Cranford sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred
Senate bill No. 392, entitled, "An act

to provide for the repeal of the charter of East Dallas and the annexation of the territory thereof to the city of Dallas."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

After having publicly read their titles, the President gave notice of signing, and did sign, in open session of the Senate

House bill No. 243, "An act to further provide for and regulate the control and management of the public free schools in cities and towns in this State where the exclusive control and management of the public free schools within their limits has been or may be vested in a board of trustees, and to further define the duties and powers of such board of trustees in the exclusive control and management of the public free schools in such cities and towns."

House substitute for Senate bill No. 191, a bill to be entitled "An act to amend section 1, chapter 4, of an act entitled an act to create the county of Brewster and provide for its organization approved February 2, 1887, and also to amend section 1, chapter 38 of an act entitled an act to create the counties of Buchel, Foley and Jeff Davis out of the county of Presidio, approved March 15, 1887, and to more particularly define, fix and establish the boundary lines of said county."

House bill No. 552, "An act to diminish the civil and criminal jurisdiction of county courts of LaSalle and Mills counties."

And,

Senate bill No. 94, "An act to legalize the donation of property to establish, or assist in establishing professorships or scholarships in the University of Texas, or any of its branches, and to provide for the protection and security of their benefits in accomplishing the objects of their donors."

Senator Burney entered a motion to reconsider the vote by which the Senate concurred in the House amendments to

Substitute Senate bill No. 153, a bill to be entitled "An act to regulate the practice of dentistry in the State of Texas."

Senator Tyler, for joint committee, sent up the following report and bill,

which were ordered printed in the Journal:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

To Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House:

Your joint committee, appointed to consider and report, by bill or otherwise, what amendments, if any, are necessary to the general incorporation laws of the State,

Have considered the matters referred to them, and beg leave to report the accompanying bill, as embodying such amendments as are thought to be necessary, by a majority of your joint committee, and we recommend that the same do pass.

All of which is respectfully submitted

TYLER,
KIMBROUGH,
ARMISTEAD,
For the Senate.
GRESHAM,
HAYES,

For the House of Representatives.

I do not concur in all amendments proposed by the committee.

WHITE.

A bill to be entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the act approved March 23, 1887, and by the act approved April 30, 1888."

Section 1. *Be it enacted by the Legislature of the State of Texas,* That article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the above recited acts, be so amended as to hereafter read as follows:

Article 566. The purposes for which private corporations may be formed are:

1. The support of public worship.
2. The support of any benevolent, charitable, educational or missionary undertaking, and for the creation, support and maintenance of grand bodies of charitable and benevolent associations, with power in said grand bodies to create and regulate their subordinate bodies.
3. The support of any literary undertaking, the maintenance of a library or the promotion of painting, music or other fine arts.
4. The encouragement of agriculture and horticulture by associations for the maintenance of public fairs and

exhibitions of stock and farm products, which shall include the owning and maintaining of an experimental form or forms in connection therewith, not to exceed three hundred and twenty acres in the aggregate.

5. The maintenance of a public or private cemetery.

6. The construction and maintenance of any species of road except a railroad and a bridge and connection therewith.

7. The construction and maintenance of a bridge, including a bridge over any of the rivers, bays, inlets or lagoons of the State, which may be used jointly by railroads, wagons and vehicles of all descriptions, animals and pedestrians.

8. The construction and maintenance of a telegraph or telephone line.

9. The establishment and maintenance of a ferry.

10. The establishment and maintenance of a line of stages.

11. The building and navigation of steamboats and other vessels, and the carriage of persons and property thereon.

12. The supply of water to the public.

13. The manufacture and supply of gas or the supply of light or heat to the public by any means.

14. The transaction of any mining or manufacturing business, and in connection with any manufacturing business, the sale of goods, wares and merchandise connected with or incident thereto.

15. The transacting of the printing or publishing business and, in connection therewith, the sale of goods, wares and merchandise of a stationery and blank book manufacturing business.

16. The establishment and maintenance of a hotel.

17. The erection of buildings and the accumulation and loan of funds for the purchase of real property in cities, towns and villages.

18. The transportation of goods, wares and merchandise or any valuable thing.

19. The promotion of immigration.

20. The construction and maintenance of sewers.

21. The construction and maintenance of a street railway.

22. The erection and maintenance of market houses and market places.

23. The construction and maintenance of canals for the purpose of irrigation, navigation or manufacturing.

24. The purchase and sale of goods, wares and merchandise and agricul-

tural and farm products. The number of persons incorporating for such purposes shall in no instance be less than ten, nor shall any person hold or own more than five hundred dollars of such stock; and any person owning or holding more than five hundred dollars of such stock shall be liable for all the debts of such corporation.

25. The construction of harbors and canals on the coast of the Gulf of Mexico.

26. The growing, purchasing and selling seeds, plants, trees, etc., for agriculture, horticulture and ornamental purposes.

27. The construction and maintenance of mills, gins, elevators, warehouses and compresses.

28. The accumulation and loan of money and the transaction of business as agent or trustee for other persons; but this subdivision shall not permit incorporations with banking or discounting privileges.

29. The construction and maintenance of stock yards and pens.

30. The construction and maintenance of establishments for slaughtering, refrigerating, canning, curing and packing meat.

31. The construction and maintenance of establishments for preserving and canning fish, fruits, vegetable and farm and dairy products.

32. The establishment and maintenance of clearing houses.

33. The erection and maintenance of safety deposit vaults for the storage of valuables.

34. The erection and maintenance of gymnasiums and the maintenance of other athletic sports for amusement and manly exercise.

35. The establishment and maintenance of building exchanges.

36. The transaction of any wholesale business. No mercantile corporation created under this subdivision shall sell goods, wares or merchandise except in unbroken packages. The capital stock of every wholesale mercantile corporation shall be paid up before commencing business, or whenever an increase of its capital stock is legally authorized. Such increase of capital stock shall be paid up within thirty days from such authorization. No such mercantile corporation shall issue bonds.

Section 2. The near approach of the close of the session of the Legislature and the great importance of the early incorporation of associations for the development of new enterprises in our State, creates an emergency and an impera-

tive public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; said rule is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

TYLER,
For Committee.

Referred to Judiciary Committee No. 1.

By leave,
Senator McDonald sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 393, entitled "An act to amend article 566, chapter 2, title XX, of the Revised Civil Statutes of the State of Texas, as amended by the act approved March 23, 1887, and by the act approved April 30, 1888,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill re-enacts the present law, and adds several other objects for which corporations may be formed.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

On motion of Senator Allen,
The regular order of business was suspended to take up

Substitute House bills Nos 22 and 187, a bill to be entitled "An act to amend article 2979 of title 54 of the Revised Civil Statutes of the State of Texas,"

By the following vote:

YEAS—18.

Abercrombie,	Ingram,
Allen,	Maetze,
Armistead,	McDonald,
Atlee,	Pope,
Claiborne,	Simkins,
Cranford,	Sims,
Finley,	Stephens.
Frank,	Townsend,
Glasscock,	Woodward.

NAYS—9

Burges,	Kimbrough,
Burney,	Lane,
Field,	Seale,
Harrison	Upshaw.
Johnson,	

ABSENT—2.

Davis,

Tylet.

The bill was laid before the Senate and read the second time with a majority (unfavorable) and minority (favorable) report.

Senator Allen moved to substitute the minority (favorable) for the majority (unfavorable) report.

Senator Lane moved to postpone the bill indefinitely.

The President held that Senator Allen's motion had precedence over Senator Lane's, since a motion to postpone indefinitely was virtually killing the bill.

Senator Lane made the point of order that the motion to postpone had preference according to the rules of the Senate.

The chair declared the point of order was not well taken, as the friends of the bill had a right to cure the defects in the bill before a motion should be entertained to kill it.

Senator Lane then made a motion to postpone the whole matter until the fourth day of next April.

Senator Johnson moved as a substitute for that motion to postpone till the second of April, to be considered in connection with the railroad commission bill.

Senator Lane accepted the substitute.

The substitute as accepted was lost by the following vote:

YEAS—9.

Burges,	Pope,
Finley,	Seale,
Johnson,	Sims,
Lane,	Stephens.
Maetze,	

NAYS—20.

Abercrombie,	Glasscock,
Allen,	Harrison,
Armistead,	Ingram,
Atlee,	Kimbrough,
Burney,	McDonald,
Claiborne,	Simkins,
Cranford,	Townsend,
Davis,	Tyler,
Field,	Upshaw,
Frank,	Woodward.

Senator Allen's motion to substitute the minority (favorable) for the majority (unfavorable) was lost by the following vote:

YEAS—11.

Allen,	Johnson,
Armistead,	Kimbrough,
Claiborne,	McDonald,
Cranford,	Simkins,
Frank,	Sims.
Glasscock,	

NAYS—18.

Abercrombie,	Lane,
Atlee,	Maetze,
Burges,	Pope,
Burney,	Seale,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

On motion of Senator Burges, the majority (unfavorable) report was adopted for the minority (favorable) report.

Senator Frank sent up the following reasons for his vote:

I vote "aye" to adopt the minority report on Substitute House bills Nos. 22 and 187, not that I favor the bill at all in its present shape, but believe legislation is needed on this subject, and believe if the minority report was adopted the bill could be amended so as to be made acceptable and beneficial and accomplish the desired end. The bill could be amended so as to make and punish usury as a misdemeanor, and prosecute the violation of this statute criminally, and to punish by fine instead of suit by civil action. For the reason of trying to amend and perfect the bill I voted for the minority report.

FRANK.

On motion of Senator McDonald, The regular order of business was suspended to take up

Senate bill No. 130, a bill to be entitled "An act to authorize minors to bring suits by next friend, and to provide for the disposition of funds that may be recovered in such suits and to define the duties of the next friend."

The bill was laid before the Senate and read the second time.

Senator McDonald moved to

Amend by adding after the word "paid," in line 4, section 5, the words "or decreed."

Adopted.

Senator McDonald moved to

Amend by adding as follows:

Section 6. The near approach of the close of the present session rendering it impracticable to read this bill on

three several days creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, said rule is hereby suspended.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator McDonald,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—27.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—2.

Pope,

Tyler.

The bill was read the third time and passed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I beg to inform the Senate that the House has passed

Senate concurrent resolution No. 8, "Concurrent resolution requesting Senators and Representatives from Texas in Congress to secure passage of joint resolution appointing a board of three engineer officers of the United States army to make examination of northwest coast of Gulf of Mexico for the purpose of selecting most suitable location for deep water harbor and to procure a permanent appropriation therefor," with House amendments.

The House has concurred in the Senate amendments to Substitute House bill No. 48, known as the mining bill.

The House insists upon its amend-

ments to Senate bill No. 51—the State Reformatory bill—and asks for a free conference committee.

The House has concurred in the Senate amendments to House bill No. 156—the Southwest Texas Asylum bill.

The House has passed House bill No. 390, a bill to be entitled "An act to amend articles 4742 and 4743 of the Revised Statutes of the State of Texas, and to add thereto another article, to be known as article 4743a,"

Under a suspension of the rule and by a two-thirds vote—yeas, 79; nays, none;

And

House bill No. 307, a bill to be entitled "An act to regulate the presentation and collection of claims for personal services, or labor, or for damages, or for overcharges on freight against railway corporations doing business in this State, in cases where amount claimed does not exceed fifty dollars, and to fix the measure of damages recoverable in certain of such cases,"

Under suspension of the rule, and by two-thirds vote, yeas, 81; nays, 8,

And

House bill No. 377, a bill to be entitled "An act to amend article 421 of title 17, of chapter 4 of the Revised Civil Statutes of the State of Texas,"

Under suspension of the rule and by two-thirds vote, yeas, 77; nays, 1.

And

House bill No. 379, a bill to be entitled "An act to exempt from the payment of debts all money recovered or liquidated by argument for settlement on account of personal injuries, and to prevent the same from being so applied by garnishment, execution or other legal process,"

Under suspension of the rule and by a vote of 61 yeas, 15 nays.

And

Substitute House bill No. 666, a bill to be entitled "An act to amend an act passed by the Twenty-first Legislature, approved March 19, 1889, amending an act entitled an act to amend section 13 of an act entitled an act to

Amend section 13 of an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts, to be held at the next general election, etc., approved March 31, 1885, approved March 23, 1887,

Under a suspension of the constitu-

tional rule and by two-thirds vote—yeas, 76; nays, 1.

W. M. IMBODEN,

Chief Clerk House of Representatives.

The President appointed as a free conference committee on the part of the Senate, on Senate bill No. 51, the State reformatory bill, Senators Tyler, Johnson and Ingram.

On motion of Senator Ingram,

The regular order of business was suspended to take up

Senate bill No. 345, a bill to be entitled "An act to amend article 4741, chapter 4, title 95, of the Revised Civil Statutes of Texas."

The bill was laid before the Senate and read the second time, with an unfavorable committee report.

The unfavorable report was rejected.

Senator Burney offered the following amendment:

Section —. The near approach of the close of the present session of the Legislature renders it impracticable to read this bill

on three several days, therefore there exists a public necessity that the constitutional rule requiring bills be read on three several days be suspended, and it is suspended.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Burney, the constitutional rule was suspended to place the bill on its third reading and final passage,

By the following vote:

YEAS—26.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—None.

ABSENT—3.

Davis,
Pope,

Tyler.

The bill was read the third time, and passed.

Senator Stephens called up his resolution to hold night sessions.

The resolution was lost.

Senator Claiborne offered the following resolution:

Resolved, That Friday night be set aside for the holding of an executive session to confirm nominations for notaries.

Ordered to lie over one day under the rule.

On motion of Senator Simkins,

House bill No. 302, a bill to be entitled "An act to prevent the duplication of process for witnesses in felony cases,"

Was taken up out of its regular order.

The bill was read the second time, with a committee amendment.

Senator Frank moved to

Amend committee amendment by adding to it the following: "And such process shall show that the witnesses are summoned for the State and defendant."

Adopted.

The committee amendment, as amended, was adopted, and

The bill passed to its third reading.

On motion of Senator Field,

The constitutional rule was suspended to put the bill on its third reading and final passage,

By the following vote:

YEAS—27.

Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

ABSENT—2.

Abercrombie, Pope.

The bill was read the third time and

Passed by the following vote:

YEAS—27.

Allen,	Burges,
Armistead,	Burney,
Atlee,	Claiborne,

Cranford,
Davis,
Field,
Finley
Frank,
Glasscock,
Harrison,
Ingram,
Johnson,
Kimbrough,
Lane,

Maetze,
McDonald,
Seale,
Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—2.

Abercrombie, Pope.

Senator Burney withdrew his motion to reconsider the vote by which the Senate concurred in the House amendments to

Substitute Senate bill No. 153, a bill to be entitled "An act to regulate the practice of dentistry in the State of Texas."

On motion of Senator Field,

Senate bill No. 375, a bill to be entitled "An act to amend article 1056, chapter 2, title 15 of the Code of Criminal Procedure as amended by an act of the Eighteenth Legislature, approved April 12, 1883,"

Was taken up out of its regular order and read the second time with a favorable committee report.

The bill was ordered engrossed.

On motion of Senator Field,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—28.

Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—1.

Abercrombie.

The bill was read the third time and Passed by the following vote:

YEAS—25.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—2.

Claiborne.	Johnson.
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ABSENT—2.

Abercrombie,	Townsend.
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On motion of Senator Pope,
The Senate receded from its amend-
ments to

Substitute House bills Nos. 9, 117, 136, 192 and 313, a bill to be entitled "An act to define trusts and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas."

The President referred House bill No. 390, House bill No. 377 and House bill No. 379 to Judiciary Committee No. 1.

House bill No. 666 to the Committee on Judicial Districts and House bill No. 307 to the Committee on Internal Improvements.

On motion of Senator Field,

Senate bill No. 374, a bill to be entitled "An act entitled an act to amend article 1054, chapter 2, title 15, of the Code of Criminal Procedure, as amended by an act of the Twentieth Legislature, approved April 7, 1887,"

Was taken up out of its regular order.

The bill was laid before the Senate and read the second time.

Senator Frank moved to

Amend by adding to the end of subdivision 8 the following: "Provided, Comptroller may require from such officer a certified copy of all such process before auditing any account."

Adopted.

Senator Seale moved to

Amend subdivision 8, in line 14, on page 3, by striking out the words "thirty-five," and inserting "fifty" instead.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Glasscock,
The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—27.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

The bill was read the third time and
Passed by the following vote:

YEAS—25.

Abercrombie,	Harrison,
Allen,	Ingram,
Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Townsend,
Finley,	Tyler,
Frank,	Woodward.
Glasscock,	

NAYS—2.

Lane,	Stephens.
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ABSENT—2.

McDonald,	Upshaw.
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After having publicly read its caption,

The President gave notice of signing and did sign in open session of the Senate

Substitute Senate bill No. 153, a bill to be entitled "An act to regulate the practice of dentistry in the State of Texas."

Senator Townsend withdrew his motion to reconsider the vote by which the Senate adopted Senator Abercrombie's resolution to print Captain

J. C. Hutcheson's speech in the Journal.

Senator Woodward moved to adjourn till 2:30 p. m.

Lost.

Senator Armistead called up Senator Lane's motion to reconsider the vote by which the Senate ordered engrossed House bill No. 84, a bill to be entitled "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95, of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882."

The vote was reconsidered and the bill was laid before the Senate, and

Senator Armistead moved to

Amend page 3, line 34, by striking out all down through and including line 48, and insert in lieu thereof the following:

"From any person, firm or association of persons engaged in discounting and shaving paper, or engaged in business as money brokers, or bankers, or dealers in stocks, securities, or bills of exchange, or in buying and selling bonds, State or county warrants or other claims against the State, an annual tax of \$25 (twenty-five dollars) in a city or town of not more than two thousand inhabitants; in a city or town of five thousand and not less than two thousand inhabitants, an annual tax of sixty dollars; in a city or town of ten thousand and not less than five thousand inhabitants, an annual tax of one hundred and twenty dollars; in a city or town of twenty thousand and not less than ten thousand inhabitants, an annual tax of one hundred and eighty dollars; in a city or town of more than twenty thousand inhabitants, an annual tax of two hundred dollars."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Burney the constitutional rule was suspended to put the bill on its third reading and final passage,

By the following vote:

YEAS—27.

Abercrombie,	Field,
Allen,	Finley,
Armistead,	Frank,
Atlee,	Glasscock,
Burges,	Harrison,
Burney,	Ingram,
Claiborne,	Johnson,
Cranford,	Kimbrough,
Davis,	Lane,

Maetze,
Seale,
Simkins,
Sims,
Stephens,

Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—2.

Pope,

McDonald.

The bill was read the third time and

Passed by the following vote:

YEAS—22.

Abercrombie,
Allen,
Armistead,
Atlee,
Burges,
Burney,
Claiborne,
Cranford,
Davis,
Field,
Finley,

Frank,
Glasscock,
Harrison,
Ingram,
Johnson,
Kimbrough,
Maetze,
Simkins,
Sims,
Townsend,
Woodward.

NAYS—3.

Lane,
Seale,

Stephens.

ABSENT—4.

McDonald,
Pope,

Tyler,
Upshaw.

On motion of Senator Lane, House bill No. 188, a bill to be entitled "An act amending title 95, chapter 4, Revised Civil Statutes of the State of Texas,"

Was taken up out of its regular order, and read the second time.

The Senate refused to pass the bill to its third reading by the following vote:

YEAS—8.

Atlee,
Field,
Frank,
Lane,

Sims,
Townsend,
Tyler,
Woodward.

NAYS—18.

Abercrombie,	Harrison,
Allen,	Ingram,
Armistead,	Johnson,
Burney,	Kimbrough,
Claiborne,	Maetze,
Cranford,	Seale,
Davis,	Simkins,
Finley,	Stephens,
Glasscock,	Upshaw.

ABSENT—1.

Burges.

Senator Allen entered a motion to reconsider the vote just taken.

Senator Armistead offered the following resolution:

Resolved, That after bills on their third reading have been disposed of, each Senator, as his name appears on the roll of the Senate, shall be permitted to call up for consideration any one local bill pending in the Senate.

The resolution was ordered to lie on the table one day.

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 253, being "An act to require convicts to the penitentiaries to this State to work upon the public roads of this State and upon the public streets of incorporated cities, towns and villages within which any of the penitentiaries of this State may be situated, and to enforce the same by proper penalties,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

Senator Field sent up the following free conference committee report:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House of Representatives:

Your free conference committee, to whom was referred the differences existing between the two houses on

Substitute House bill No. 574, "An act to amend chapter 11, title 84, of the Revised Civil Statutes of the State of Texas, so as to add thereto another article, to be known as article 4260a," have had the same under consideration, and report it back with the recommendation that the Senate amendments on page 2, line 19 thereof, be amended by striking out the word "thereof" and inserting the

words "of the sold out corporation. We recommend that, as thus amended, the House concur in the Senate amendments.

All of which is respectfully submitted.

BROWN of Grayson,
HAMBLEN,
POPE,
House Committee.
FIELD,
LANE,
SEALE,
Senate Committee.

On motion of Senator Field,
The report was adopted.

Senator Claiborne moved to adjourn till 2:30 p. m.

Senator Burney moved to adjourn till 10 o'clock to-morrow morning.

The longer time being put first,
The Senate adjourned till 10 o'clock to-morrow morning.

By the following vote:

YEAS—14.

Abercrombie,	Harrison,
Armistead,	Ingram,
Atlee,	Johnson,
Burney,	Seale,
Davis,	Simkins,
Field,	Upshaw,
Glasscock,	Woodward.

NAYS—12.

Allen,	Lane,
Claiborne,	Maetze,
Cranford,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Kimbrough,	Tyler.

ABSENT—3.

Burges,	Pope.
McDonald,	

SIXTY-FOURTH DAY.

SENATE CHAMBER.
AUSTIN, March 28, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Maetze,
The reading of the Journal of yesterday was dispensed with.